



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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Ref: 8EPR-EP

May 10, 2005

Mr. Art Compton, Director
Planning, Prevention and Assistance Division
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59620-0901

Re: **TMDL Approvals**
Grave Creek

Dear Mr. Compton:

We have completed our review of the total maximum daily load (TMDL) as submitted by your office for the Grave Creek Watershed. The TMDL is included in the document entitled Grave Creek Watershed Water Quality and Habitat Restoration Plan and Sediment Total Maximum Daily Loads (Montana Department of Environmental Quality) transmitted to us for review and approval in correspondence dated March 15, 2005 and signed by you. In accordance with the Clean Water Act (33 U.S.C. 1251 *et. seq.*), we approve all aspects of the TMDL as developed for the Grave Creek Watershed. Enclosure 1 to this letter provides a summary of the elements of the TMDL and Enclosure 2 provides details of our review of the TMDL.

Based on our review, we feel the separate TMDL elements listed in Enclosure 2 adequately address the pollutants of concern, taking into consideration seasonal variation and a margin of safety. In approving this TMDL, EPA affirms that the TMDL has been established at a level necessary to attain and maintain the applicable water quality standards and has the necessary components of an approvable TMDL.

EPA has been in contact with the United States Fish and Wildlife Service (FWS) regarding whether and, if so, how the EPA's approval of the Grave Creek TMDL may affect the continued existence of any endangered or threatened species listed under the Endangered Species Act (ESA) or the designated critical habitat of any such species. EPA has not determined that today's approval may have such an affect. Therefore, consistent with the terms of a consent decree in the lawsuit of Friends of the Wild Swan, et al., v. U.S. Environmental Protection Agency, et al., Civil Action No. CV99-87-M-LBE, United States District Court for the District of Montana, Missoula Division, EPA has decided to approve this TMDL contingent upon the outcome of consultation with the FWS.



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Thank you for your submittal. If you have any questions concerning this approval, feel free to contact Ron Steg of our Montana office staff at (406) 457-5024.

Sincerely,

Original Signed by Max H. Dodson

Max H. Dodson
Assistant Regional Administrator
Ecosystems Protection and Remediation

Enclosures

cc: Claudia Massman, Attorney
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